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BMT/IBM FIVE ELM STREET NEW CANAAN, CT 06840			AVERY, JEREMIAH L	
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			2131	
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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/917,328

**Applicant(s)**

WILLNER ET AL.

**Examiner**

Jeremiah Avery

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. Claims 1-50 have been examined.

#### ***Drawings***

1. Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Hyperlinks are located on page 23, lines 10-17.
3. The use of the trademarks Bluetooth, Zip, Pentium and Pentium III has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.
4. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to

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prevent their use in any manner which might adversely affect their validity as trademarks.

5. The disclosure is objected to because of the following informalities: a typo on page 12, line 22 regarding the word "service". There is a gap between the letters "r" and "v". Appropriate correction is required.

6. On page 13, line 18, it should state "computer 110" instead of "computer 100" because the element 110 in Figure 2 pertains to the computer, whereas element 100 pertains to the flowchart of Figure 1. Also, on line 24, it should state "image 118" instead of "image 188" because there is no element 188 found in Figure 2. Element 118 pertains to the image. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6, 314, 409 to Schneck et al., hereinafter Schneck.

8. Regarding Claim 1, Schneck teaches a method for providing notification of a privacy level, composing:

determining a plurality of levels of privacy (Figures 12 and 14 column 7, lines 15-22, column 18, lines 33-45 and 56-63);

determining one of said plurality of privacy levels that applies to a first interaction conducted by a user (Figures 12 and 14, column 7, lines 15-22, column 18, lines 33-45 and 56-63);

providing a notification of said one of said plurality of privacy levels to said user (Figure 16, column 7, lines 16-22, column 20, lines 2-4).

9. Regarding Claim 2, Schneck discloses determining a plurality of levels of privacy includes at least one of the following:

establishing said plurality of privacy levels (Figure 3, column 23, lines 6-8, 66-67 and column 24, lines 1-6 "permission list");

receiving an indication of said plurality of privacy levels (column 7, lines 15-22);

[When Schneck states that access to the data is controlled by, among other ways, "preventing access to the protected portions of the data other than in a non-usable form; and permitting a user access to the data only in accordance with the rules"; this provides an indication that said plurality of privacy levels do in fact exist.]

selecting said plurality of privacy levels from privacy levels previously indicated by said user to be acceptable to said user (column 19, lines 58-61, "already determined usable");

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selecting said plurality of privacy levels from privacy levels previously indicated to be acceptable to a party involved in said first interaction (column 19, lines 58-61, "already determined usable");

receiving an indication from said user of a group of privacy levels acceptable to said user and selecting said plurality of privacy levels from said group of privacy levels (column 19, lines 50, 54 and 55);

receiving an indication from a party involved in said first interaction of a group of privacy levels acceptable to said party and selecting said plurality of privacy levels from said group of privacy levels (column 18, lines 4-8 and 14-17);

receiving a request from a party to conduct each interaction involving said party in accordance with at least one of said plurality of privacy levels (column 20, lines 20-26);

receiving a request from said user to conduct each interaction involving said user in accordance with at least one of said plurality of privacy levels (column 19, lines 25-28, 50 and 54-57).

10. Regarding Claims 3, Schneck discloses that said determining one of said plurality of privacy levels that applies to a first interaction conducted by a user includes at least one of the following:

determining if any of said plurality of privacy levels were previously indicated by said user as being acceptable (column 19, lines 58-61 "already determined usable);

determining if any of said plurality of privacy levels were previously

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indicated as being acceptable by a party involved in said transaction

(column 19, lines 58-61 “already determined usable);

identifying at least one privacy level from said plurality of privacy levels that was applied during a previous interaction involving said user

(column 19, lines 58-61 “already determined usable);

identifying at least one privacy level from said plurality of privacy levels that was applied during a previous interaction involving a party

involved in said first interaction (column 14, lines 43-67);

providing an indication to said user of a selection of said one of said plurality of privacy levels and receiving from said user a consent to

conduct said first interaction in accordance with said selected one of said plurality of privacy levels (column 20, lines 2, 3, 12-15);

[The user, by providing the rules, is stating that they wish to proceed with said interaction. The “success” indication demonstrates that the privacy levels/rules were selected and approved.]

providing an indication to a party involved in said interaction of a selection of said one of said plurality of privacy levels and receiving from said party a consent to conduct said first interaction in accordance with said selected one of said plurality of privacy levels (column 19, lines 58-61, “success”);

receiving a request from said user to conduct said first interaction in accordance with said one of said plurality of privacy levels (column 18, lines 18-21, column 19, lines 50, 54-57);

[By providing the rules, the user is requesting access.]

receiving a request from said user to conduct said first interaction in accordance with a minimum privacy requirement and determining one of said plurality of privacy levels that at least meets said minimum requirement (column 11, lines 9-15 and column 19, lines 1-4);

receiving a request from said user to conduct said first interaction in accordance with a specific requirement and determining one of said plurality of privacy levels that complies with said specific requirement (column 18, lines 19-21, 39-59).

11. Regarding Claim 4, Schneck teaches that providing a notification of said one of said plurality of privacy levels to said user includes at least one of the following:

providing said notification as said user conducts said first interaction (column 17, lines 46-48, 67 and column 18, lines 1-3);

providing said notification prior to said user conducting said first interaction (column 19, lines 1-6);

providing said notification after said user conducts said first interaction (column 20, lines 46-48);

providing an indication to said user of a selection of said one of said



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plurality of privacy levels and receiving from said user a consent to conduct said first interaction in accordance with said selected one of said plurality of privacy levels (column 20, lines 2, 3, 12-15);

providing said notification prior to providing a Web page associated with said first interaction;

providing said notification prior to allowing said user to receive a Web page associated with said first interaction (column 7, lines 49 and 50, column 10, lines 6-9 and 27-31 and column 15, lines 10-29);

[Combining the data that Schneck mentions, in conjunction with the method for transporting said data "via digital communications networks (for example, the Internet)", it can be construed that the user has obtained said data from a Web page.]

delaying said first interaction until said user receives said notification (column 9, lines 55-67);

delaying said first interaction until said user confirms receipt of said notification (column 9, lines 55-67);

delaying said first interaction until said user consents to said one of said plurality of privacy levels (column 9, lines 55-67);

[The aforementioned delays stem from the confirmation and the transmission of the data to the user via the communication channel.]

providing said notification to a device associated with said user (column 7, lines 26-41 and 61-64, column 10, lines 32-39 and column 15, lines 41-61);

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providing said notification to a device being used by said user during said first interaction (column 7, lines 26-41 and 61-64, column 10, lines 32-39 and column 15, lines 41-61);

providing a communication indicative of said one of said plurality of privacy levels to software being used by said user during said first interaction (column 9, lines 55-58 and column 15, lines 25-29).

12. Regarding Claim 5, Schneck discloses that said first interaction conducted by a user includes at least one of the following:

said user conducting a transaction with a service provider (column 15, lines 10-21);

[A service provider enables access to the Internet and related communication networks.]

said user making a purchase (Figure 5, column 9, lines 55-58, column 10, lines 40-46 and column 22, lines 24-31 and 58-60);

said user accessing a Web site (column 17, lines 46-52);

[Prior to downloading data from a Web site, a user must have access to a Web site.]

said user using a feature of a Web site (column 15, lines 10-21 and column 17, lines 46-64);

said user downloading data from a Web site (column 17, lines 46-52);

said user providing data to a Web site (column 17, lines 46-52).

[Prior to being able to access the data obtained from the Web site, the user had to provide their identification data.]

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13. Regarding Claim 6, Schneck discloses that said notification includes at least one of the following:

an identifier associated with said user (Figure 3, column 11, table 1, lines 4-15 and column 12, lines 9-12);

an identifier associated with said first interaction (Figure 3, column 11, table 1, lines 4-15 and column 12, lines 9-12);

a cookie (Figure 3, column 11, table 1 "custom permissions" and column 12, lines 16-19);

[Cookies, after obtaining the identity of a user, can provide a customized version of the requested data, tailored to the individual user(s).]

information regarding said plurality of privacy levels (column 19, lines 48 and 49 and column 20, lines 2-4);

information regarding said one of said plurality of privacy levels (column 19, lines 48 and 49 and column 20, lines 2-4);

a message indicative of said one of said plurality of privacy levels (column 17, lines 31-40 and 61-64);

a message displayable by software operating on a device used by said user during said first interaction (column 17, lines 31-40 and 61-64);

an image displayable by software operating on a device used by said user during first interaction (column 7, lines 49 and 50, column 10, lines 32-36, column 11, lines 62-67 and column 12, lines 1-3);

an image indicative of said one of said plurality of privacy levels  
(column 7, lines 49 and 50, column 10, lines 32-36, column 11, lines 62-67  
and column 12, lines 1-3.

14. Regarding Claim 7, Schneck discloses the method of Claim 1 further  
comprising at least one of the following:

receiving a confirmation of receipt of said notification by said user  
(column 19, lines 50-61);

receiving a confirmation of receipt of said notification by a device  
associated with said user (column 19, lines 33-43 and column 24, lines  
33-35);

receiving a confirmation of receipt of said notification by software  
used by the user during the first interaction (column 10, lines 21-24 and  
31-39).

15. Regarding Claim 8, Schneck discloses receiving a notification indicative of  
a change of level of privacy during said first interaction (column 24, lines 58-65).

16. Regarding Claim 9, Schneck discloses a request to change a level of  
privacy associated with said first interaction (column 24, lines 58-65).

17. Regarding Claim 10, Schneck discloses that at least one of said plurality  
of levels of privacy includes at least one of the following:

a requirement that said user be informed of data received by a party  
involved in said first interaction (column 31, lines 64-67 and column 32,  
lines 13-21);

[The user can be informed by receiving a receipt.]

a requirement that said user be informed of a retention of data received by a party involved in said first interaction (column 31, lines 46-50).

a requirement that said user be informed of a use of data received by a party involved in said first interaction (column 31, lines 64-67 and column 32, lines 13-21);

a requirement that said user be informed of a disclosure of data received by a party involved in said first interaction (column 31, lines 46-50).

18. Regarding Claim 11, Schneck discloses providing said notification to a party involved in said first interaction (column 29, lines 40-42). [If a party has acquired permissions, then the notification shall occur.]

19. Regarding Claim 12, Schneck discloses that at least one of said plurality of privacy levels is based on, at least in part, at least one of the following:

a request received from said user prior to said first interaction (column 32, lines 43-50, "pre-loaded");

a request received from said user during said first interaction (column 32, lines 43-50' "loaded when needed");

a request received from a service provider involved in said first interaction (column 17, lines 4-7 and 24-30);

a type of data that may be provided during an interaction (column 7, lines 49 and 50 and column 11, lines 64-66);

a type of data that may be provided by said user (column 11, table 1);

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a type of data that may be received during an interaction (column 11, table 1);

a use of data provided by said user (column 15, lines 19-24);

a request from said user regarding data provided by said user during said first interaction (column 11, table 1);

[The “encrypted data key” provides this request to access the data.]

a requirement of said user regarding data provided by said user during said first interaction (column 19, lines 46-49);

a disclosure of data provided by said user (column 19, lines 46-57);

a party to which data received from a user may be provided (column 19, lines 24-28);

20. Regarding Claim 13, Schneck teaches storing data received during said first interaction in accordance with said one of said plurality of privacy levels (column 7, lines 26-31, 42-48 and column 20, lines 8-19).

21. Regarding Claim 14, Schneck teaches using data received during said first interaction to a party in accordance with said one of said plurality of privacy levels (column 19, lines 11-14).

22. Regarding Claim 15, Schneck teaches providing data received during said first interaction to a party in accordance with said one of said plurality of privacy levels (column 20, lines 20-26).

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23. Regarding Claim 16, Schneck teaches deleting data received during said first interaction in accordance with said one of said plurality of privacy levels (column 16, lines 64-67 and column 19, lines 21-24).

24. Regarding Claim 17, Schneck teaches collecting data during said first interaction in accordance with said one of said plurality of privacy levels (column 20, lines 5-9 and 17-19).

[When the user initially interacts with the access mechanism and the rules are not provided, additional data must be collected (the required rules for access).]

25. Regarding Claim 18, Schneck discloses:

determining a second of said plurality of privacy levels that applies to a second interaction conducted by said user (column 25, lines 60-62);  
providing a notification of said second of said plurality of privacy levels to said user (column 25, lines 60-62).

26. Regarding Claim 19, Schneck teaches:

changing a level of privacy applied to said first interaction during said first interaction (column 27, lines 58-63 and column 28, lines 37-45 and 62-65);

providing a notification to said user of a change in a level of privacy applied to said first interaction (column 27, line 67 and column 28, lines 1 and 2).

[If the access is either granted or denied, the user will be notified of such occurrences.]

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27. Regarding Claim 20, Schneck teaches conducting said first interaction in accordance with said one of said plurality or privacy levels (column 19, lines 11-14).

28. Regarding Claim 21, Schneck teaches terminating said first interaction if said first interaction cannot be conducted in accordance with said one of said plurality of privacy levels (column 18, lines 33-63).

29. Regarding Claim 22, Schneck teaches providing a notification to said user if said first interaction cannot be conducted in accordance with said one of said plurality of privacy levels (column 20, lines 27-30).

30. Regarding Claim 23, Schneck discloses allowing said user to modify at least one of said plurality of privacy levels (column 23, lines 9-16 and column 32, lines 30-42).

31. Regarding Claim 24, Schneck teaches modifying at least one of said plurality of privacy levels (column 23, lines 9-16 and column 32, lines 30-42).

32. Regarding Claim 25, Schneck teaches determining one of a said plurality of privacy levels that applies to a first interaction occurs during said interaction (column 19, lines 7-14, "obtained when needed").

33. Regarding Claim 26, Schneck teaches determining one of a said plurality of privacy levels that applies to a first interaction occurs after said interaction (column 19, lines 7-14, "obtained when needed" and lines 25-28).

34. Regarding Claim 27, Schneck teaches that providing a notification of said one of said plurality of privacy levels occurs during said interaction (column 19, lines 58-67 and column 20, lines 1-4).



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35. Regarding Claim 28, Schneck teaches that providing a notification of said one of said plurality of privacy levels occurs after said interaction (column 20, lines 5-17).

36. Regarding Claim 29, Schneck teaches a method for providing notification of a privacy level, comprising:

determining an interaction associated with a user (column 22, lines 63-65, column 23, lines 66 and 67 and column 24, lines 1-3);

determining one of a plurality of privacy levels that is associated with said interaction (column 22, lines 63-65, column 23, lines 66 and 67 and column 24, lines 1-3);

providing a notification of said one of said plurality of privacy levels (column 22, lines 63-65, column 23, lines 66 and 67 and column 24, lines 1-3).

37. Regarding Claim 30, Schneck teaches determining an interaction with a user includes at least one of the following:

receiving a request from said user to conduct said interaction (column 19, lines 25-28);

receiving an indication that said user has commenced said interaction (column 19, lines 60-61, "success" indication);

receiving an indication of said interaction from said user (column 19, lines 50-57);

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receiving an indication of said interaction from a service provider involved in said interaction (column 19, lines 48 and 49, 58-61 and column 20, lines 2-12).

38. Regarding Claim 31, Schneck discloses that said determining one of said plurality of privacy levels that applies to a first interaction conducted by a user includes at least one of the following:

determining if any of said plurality of privacy levels were previously indicated by said user as being acceptable (column 19, lines 58-61 "already determined usable);

determining if any of said plurality of privacy levels were previously indicated as being acceptable by a party involved in said transaction (column 19, lines 58-61 "already determined usable);

identifying at least one privacy level from said plurality of privacy levels that was applied during a previous interaction involving said user (column 19, lines 58-61 "already determined usable);

identifying at least one privacy level from said plurality of privacy levels that was applied during a previous interaction involving a party involved in said first interaction (column 14, lines 43-67);

providing an indication to said user of a selection of said one of said plurality of privacy levels and receiving from said user a consent to conduct said first interaction in accordance with said selected one of said plurality of privacy levels (column 20, lines 2, 3, 12-15);

[The user, by providing the rules, is stating that they wish to proceed with said interaction. The “success” indication demonstrates that the privacy levels/rules were selected and approved.]

providing an indication to a party involved in said interaction of a selection of said one of said plurality of privacy levels and receiving from said party a consent to conduct said first interaction in accordance with said selected one of said plurality of privacy levels (column 19, lines 58-61, “success”);

receiving a request from said user to conduct said first interaction in accordance with said one of said plurality of privacy levels (column 18, lines 18-21, column 19, lines 50, 54-57);

[By providing the rules, the user is requesting access.]

receiving a request from said user to conduct said first interaction in accordance with a minimum privacy requirement and determining one of said plurality of privacy levels that at least meets said minimum requirement (column 11, lines 9-15 and column 19, lines 1-4);

receiving a request from said user to conduct said first interaction in accordance with a specific requirement and determining one of said plurality of privacy levels that complies with said specific requirement (column 18, lines 19-21, 39-59).

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39. Regarding Claim 32, Schneck teaches that providing a notification of said one of said plurality of privacy levels includes at least one of the following:

- providing said notification to said user (column 19, lines 58-61);
- providing said notification to a party involved in said interaction (column 19, lines 25-57);
- providing said notification to a party not involved in said interaction (column 20, lines 5-9).

[When attempting to locate the rules to access the data, one of the devices attached to the access mechanism is checked. Thus a notification is sent to this device to see if the aforementioned rules are present. If they are not, then this device is not directly involved in said interaction because it does not have to contribute any data or other such components.]

40. Regarding Claim 33, Schneck teaches establishing said plurality of privacy levels (Figure 3, column 23, lines 6-8, 66 and 67 and column 24, lines 1-6).

41. Regarding Claim 34, Schneck discloses determining a plurality of levels of privacy includes at least one of the following:

- establishing said plurality of privacy levels (Figure 3, column 23, lines 6-8, 66-67 and column 24, lines 1-6 "permission list");
- receiving an indication of said plurality of privacy levels (column 7, lines 15-22);

[When Schneck states that access to the data is controlled by, among other ways, "preventing access to the protected portions

of the data other than in a non-usable form; and permitting a user access to the data only in accordance with the rules”; this provides an indication that said plurality of privacy levels do in fact exist.] selecting said plurality of privacy levels from privacy levels previously indicated by said user to be acceptable to said user (column 19, lines 58-61, “already determined usable”);

selecting said plurality of privacy levels from privacy levels previously indicated to be acceptable to a party involved in said first interaction (column 19, lines 58-61, “already determined usable”);

receiving an indication from said user of a group of privacy levels acceptable to said user and selecting said plurality of privacy levels from said group of privacy levels (column 19, lines 50, 54 and 55);

receiving an indication from a party involved in said first interaction of a group of privacy levels acceptable to said party and selecting said plurality of privacy levels from said group of privacy levels (column 18, lines 4-8 and 14-17);

receiving a request from a party to conduct each interaction involving said party in accordance with at least one of said plurality of privacy levels (column 20, lines 20-26);

receiving a request from said user to conduct each interaction involving said user in accordance with at least one of said plurality of privacy levels (column 19, lines 25-28, 50 and 54-57).

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42. Regarding Claim 35, Schneck teaches conducting said interaction in accordance with said one of said plurality of privacy levels (column 19, lines 11-14).

43. Regarding Claim 36, Schneck teaches determining one of a plurality of privacy levels that is associated with said interaction occurs during said interaction (column 19, lines 7-11, "obtain when needed").

44. Regarding Claim 37, Schneck teaches determining one of a plurality of privacy levels that is associated with said interaction occurs after said interaction (column 19, lines 7-11, "obtain when needed").

45. Regarding Claim 38, Schneck teaches providing a notification of said one of said plurality of privacy levels occurs during said interaction (column 19, lines 58-61, 65-67 and column 20, lines 1-4).

46. Regarding Claim 39, Schneck teaches providing a notification of said one of said plurality of privacy levels occurs after said interaction (column 20, lines 5-17). [After the initial search for the rules, the user then has the option to either disclose or not disclose the appropriate rules for accessing the data. Based upon their decision, either the "success" or "fail" indication will be given.]

47. Regarding Claim 40, Schneck teaches a method for providing notification of a privacy level, comprising:

determining a privacy level (column 7, lines 16-22);

making a determination as to whether a party involved in an interaction with a user complies with said privacy level (column 7, lines 23-31);

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providing a notification regarding said determination (column 7, lines 29-31, column 19, lines 58-61).

48. Regarding Claim 41, Schneck teaches that determining a privacy level includes at least one of the following:

determining a privacy level indicated by said party as applying to said interaction (column 19-lines 58-61);

[If "success" is indicated, then the privacy level must be applicable to said interaction.]

receiving an indication from said party that said interaction was conducted in accordance with said privacy level(column 19, lines 15-24);

[If the programs are successfully terminated, then the party and the user must have complied with said privacy level in order to be able to access the programs in the first instance.]

receiving an indication from said party that said interaction is being conducted in accordance with said privacy level (column 18, lines 56-59);

selecting said privacy requirement from a plurality of privacy requirements (column 19, lines 63-67 and column 20, lines 1-3);

receiving a request from said party to conduct all interactions involving said party in accordance with said privacy level (column 20, lines 20-26);

receiving a request from said party to conduct said interaction in accordance with said privacy level (column 20, lines 20-26);

receiving a request from said party to conduct said interaction in accordance with a minimum privacy requirement (column 18, lines 64-67 and column 19, lines 1-6);

receiving a request from said party to conduct said interaction in accordance with a specific privacy requirement (column 18, lines 44-59);

receiving a request from a user to conduct said interaction in accordance with said privacy level (column 19, lines 25-28, "wishes");

receiving a request from a user to conduct interaction in accordance with a minimum privacy requirement (column 19, lines 1-14);

receiving a request from a user to conduct said interaction in accordance with a specific privacy requirement (column 18, lines 19-21 and 33-43).

49. Regarding Claim 42, Schneck teaches making a determination as to whether a party involved in an interaction with a user complies with said privacy level includes at least one of the following:

determining if said party provided proper notification of said privacy level during said interaction (column 15, lines 30-40, 62-65, column 19, lines 58-61, 66, 67 and column 20, lines 1-16);

making said determination during said interaction (column 19, lines 58-61, 66, 67 and column 20, lines 1-16);

making said determination after said interaction is completed (column 19, lines 15-24);



[If the programs are successfully terminated, then the party and the user must have complied with said privacy level in order to be able to access the programs in the first instance.]

determining if said party's use of data received during said interaction complies with said privacy level (column 18, lines 56-59);

determining if said party's storage of data received during said interaction complies with said privacy level (column 7, lines 26-31, 42-48 and column 20, lines 17-19);

determining if said party's collection of data during said interaction complies with said privacy level (column 20, lines 5-9 and 17-19);

[When the user initially interacts with the access mechanism and the rules are not provided, additional data must be collected (the required rules for access).]

determining if said party's transmission of data during said interaction complies with said privacy level (column 17, lines 4-9 and 46-48, column 25, lines 63-67 and column 26, lines 1-6);

determining if said party's reception of data during said interaction complies with said privacy level (column 10, lines 1-5).

50. Regarding Claim 43, Schneck teaches providing a notification regarding said determination includes at least one of the following:

providing a notification during said interaction that said party is not complying with said privacy level (column 20, lines 20-30);

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providing a notification after said interaction that said party did not comply with said privacy level during said interaction (column 30, lines 45-52);

providing a notification after said interaction that said party did comply with said privacy level during said interaction (column 19, lines 15-24);

[If the programs are successfully terminated, then the party and the user must have complied with said privacy level in order to be able to access the programs in the first instance.]

providing a notification during said interaction that the party is complying with said privacy level (column 11, table 1, element 138 (encrypted data key));

[If the encrypted data key is given during the authentication step, then those involved are complying with the appropriate privacy level.]

allowing said user involved to retrieve information regarding said determination (column 10, lines 1-5, column 23, lines 66 and 67 and column 24, lines 1-14);

providing a notification that said party exceeds said privacy level if said party does, in fact, exceed said privacy level according to said determination (column 15, lines 31-40 and 62-67, column 16, lines 27-30, 64-67 and column 17, lines 1-3);

providing a notification that said party does not exceed said privacy level if said does not, in fact, exceed said privacy level according to said determination (column 18, lines 56-59);

[If access is granted, then the privacy level was not exceeded.]

providing said notification to a user involved in said interaction during said interaction (column 15, lines 31-40);

[The user gains access but is restricted to access that has been defined by the granted privacy level.]

providing said notification to a user involved in said interaction after said interaction (column 15, lines 62-67);

[If the user attempts unauthorized access, said user will be notified of improper usage in the form of the tamper-detectable mechanism disabling the access mechanism.]

providing said notification to said party (column 17, lines 4-7).

51. Regarding Claim 44, Schneck discloses receiving an indication that said user is conducting said interaction (column 17, lines 55-61).

52. Regarding Claim 45, Schneck discloses a computer program in a computer readable medium for providing notification of a privacy level, comprising:

first instructions for receiving data indicative of a level of privacy involved in an interaction (column 10, lines 32 and 33, column 24, lines 33-38, column 30, lines 31-35 and column 32, lines 6-11);

second instructions for displaying on a device a notification indicative of said level of privacy (column 25, lines 60-62, column 30, lines 25-27 and column 32, lines 6-11).

53. Regarding Claim 46, Schneck teaches said level of privacy is one of a plurality of possible levels of privacy for which notifications can be displayed on said device (Figure 8, column 26, lines 12-24 and column 29, lines 40-42).

54. Regarding Claims 47 and 49, Schneck discloses a system for providing notification of a privacy level, comprising:

a memory (Figure 8, column 15, lines 41-61);

a communication port (Figure 8, column 15, lines 41-61);

a processor connected to said memory and said communication port (Figure 8, column 15, lines 41-61), said processor being operative to:

determine a plurality of levels of privacy (column 15, lines 62-67);

determine one of said plurality of privacy levels that applies to a first interaction conducted by a user (column 15, lines 62-67);

[Schneck stating that the components "are packaged in a way as to exclude any unknown access by a user and to discover any such attempt at user access to the components or their contents" indicates that taking the access attempt and seeing if the user, in fact, has the proper authentication/authorization data can perform such actions.]

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provide a notification regarding said one of said plurality of privacy levels to said user (column 20, lines 2-4, use of “success” or “fail” indication).

55. Regarding Claim 48, Schneck discloses a computer program in a computer readable medium for providing notification of a privacy level, comprising:

first instructions for identifying a plurality of levels of privacy (column 29, lines 40-42 and column 30, lines 25-28);

second instructions for identifying one of said plurality of privacy levels that applies to a first interaction conducted by a user (column 29, lines 40-42 and column 30, lines 25-28);

third instructions for sending a notification regarding said one of said plurality of privacy levels to said user (column 29, lines 40-42 and column 30, lines 25-28).

56. Regarding Claim 49, Schneck further teaches determining an interaction with a user (column 17, lines 46-61).

57. Regarding Claim 50, Schneck discloses a computer program in a computer readable medium for providing notification of a privacy level, comprising:

first instructions for identifying an interaction associated with a user (column 31, lines 1-9);

[If a user is accessing a specific file, the program can identify the number of times said file has been accessed and thus the appropriate action can be taken.]

second instructions for identifying one of a plurality of privacy levels that is associated with said interaction (column 29, lines 40-42 and column 30, lines 25-58);

third instructions for sending a notification regarding said one of said plurality of privacy levels (column 29, lines 40-42 and column 30, lines 25-58).

### ***Conclusion***

58. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

59. The following patent is cited to further show the state of the art with respect to providing secure access and management of data:

United States Patent No. 6, 427,140 to Ginter et al.

60. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah Avery whose telephone number is (571) 272-8627. The examiner can normally be reached on Monday thru Friday 8:30am-5pm.

61. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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62. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLA

Handwritten signature and date. The signature appears to be "JLA" and the date is "8/5/05".

